

AMENDED IN SENATE SEPTEMBER 2, 2009

AMENDED IN SENATE AUGUST 26, 2009

AMENDED IN SENATE AUGUST 19, 2009

AMENDED IN ASSEMBLY APRIL 23, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1470**

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**Introduced by Assembly Member Evans**  
*(Principal coauthor: Senator Wiggins)*  
*(Coauthors: Assembly Members Chesbro and Huber)*

February 27, 2009

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An act to amend Sections 23390 and 23396.5 of the Business and Professions Code, relating to alcoholic beverages.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1470, as amended, Evans. Alcoholic beverage licensees.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Under existing law, a licensed winegrower that is exercising specified privileges may allow a person who has purchased and partially consumed a bottle of wine to remove that bottle from the premises upon departure. Existing law also authorizes a licensed winegrower to, among other things, sell wine and brandy for consumption to consumers for on-premises consumption at branch offices or warehouses or United States bonded wine cellars

located away from his or her place of production or manufacture. Existing law also requires the Department of Alcoholic Beverage Control to issue a duplicate license to a winegrower or brandy manufacturer for locations other than his or her wine production or brandy manufacture premises.

This bill would also authorize an on-sale beer and wine public premises licensee and a licensed winegrower who exercises his or her license privileges at specified locations to allow a person who has purchased and partially consumed a bottle of wine to remove the partially consumed bottle from the premises upon departure. This bill would, additionally, remove the ~~authorization for prohibition against~~ licensed winegrowers or brandy manufacturers ~~to sell~~ *selling* wine for consumption on the premises *of a branch office*. This bill would also remove the requirement that the Department of Alcoholic Beverage Control issue a duplicate license for a winegrower or brandy manufacturer for locations other than his or her wine production or brandy manufacture premises, and would instead provide that the department may issue the duplicate license.

The Alcoholic Beverage Control Act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is a misdemeanor. This bill would expand existing crimes by imposing additional requirements on a licensee under the act, thus, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 23390 of the Business and Professions
- 2 Code is amended to read:
- 3 23390. ~~A~~(a) A licensed winegrower or brandy manufacturer,
- 4 in addition to exercising all the privileges of his or her license at
- 5 his or her licensed premises, may exercise all his or her license
- 6 privileges at or from branch offices or warehouses, or United States
- 7 bonded wine cellars located away from his or her place of

1 production or manufacture, other than ~~production or manufacture,~~  
2 ~~the sale of wine or brandy to consumers for consumption on the~~  
3 ~~premises in a bona fide eating place, and the sale or delivery of~~  
4 ~~wine to consumers in containers supplied, furnished, or sold by~~  
5 ~~the consumer. The department may issue to a~~ *the following*  
6 *privileges: winegrower*

7 *(1) Production or manufacture.*

8 *(2) The sale of wine or brandy to consumers for consumption*  
9 *on the premises in a bona fide eating place.*

10 *(3) The sale or delivery of wine to consumers in containers*  
11 *supplied, furnished, or sold by the consumer.*

12 *(b) The department may issue to a winegrower or brandy*  
13 *manufacturer a duplicate of his or her original license for a location*  
14 *or locations other than his or her wine production or brandy*  
15 *manufacture premises. The duplicate license authorizes the*  
16 *maintenance and operation of each branch or warehouse or United*  
17 *States bonded wine cellar declared and designated by the*  
18 *winegrower or brandy manufacturer at the location for which the*  
19 *duplicate license is issued. The fee for each duplicate winegrower's*  
20 *license and for each duplicate brandy manufacturer's license is as*  
21 *specified in Section 23320.*

22 ~~Notwithstanding~~ *(c) Notwithstanding* any other provision of  
23 law, the department may allow any person who held more than  
24 one original winegrower's license, on or before January 1, 1981,  
25 to transfer any duplicate license which has been issued, on or before  
26 January 1, 1981, on any of the original winegrower's licenses to  
27 any other original winegrower's license held by that person, on or  
28 before January 1, 1981, provided that the licensee cancels the  
29 original winegrower's license from which any duplicate license is  
30 transferred. This subdivision shall not authorize any person to  
31 acquire any additional duplicate licenses other than those held by  
32 that licensee on or before January 1, 1981.

33 SEC. 2. Section 23396.5 of the Business and Professions Code  
34 is amended to read:

35 23396.5. Notwithstanding any other law, any on-sale licensee  
36 that maintains a bona fide eating place in conjunction with such  
37 license, any on-sale beer and wine public premises licensee, or  
38 any winegrower that is exercising a privilege pursuant to Section  
39 23358 or 23390 may allow any person who has purchased and

1 partially consumed a bottle of wine to remove the partially  
2 consumed bottle from the premises upon departure.  
3 SEC. 3. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.

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